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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Daniel P. Klahn, Sr.,

Plaintiff

v.

Richard Meyerson,

Defendant

Case No. 2:16-cv-0720-JAD-CWH

**Order Adopting Report and
Recommendation**

[ECF No. 8]

Pro se plaintiff Daniel Klahn brings this lawsuit seeking redress against his former employer Richard Meyerson. The magistrate judge granted Klahn's application for pauper status and screened his complaint.¹ He recommends that I allow Klahn's fraud claim regarding the 401k account to proceed but dismiss all other claims with prejudice because they are barred by the applicable statutes of limitation.² The deadline for any objection to that recommendation passed without objection or any request to extend the deadline to file one. "[N]o review is required of a magistrate judge's report and recommendation unless objections are filed."³

IT IS THEREFORE ORDERED that the magistrate judge's report and recommendation [ECF No. 8] is **ADOPTED** in full;

IT IS FURTHER ORDERED THAT **this case proceeds on Klahn's fraud claim against Meyerson regarding the 401k account only**, and all other claims are dismissed with prejudice as time-barred.

¹ ECF No. 8.

² *Id.* at 4.

³ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 IT IS FURTHER ORDERED that **the Clerk of Court is directed** to:

- 2 • **ISSUE a SUMMONS** for Defendant Richard Meyerson and deliver that
3 summons—along with a copy of the complaint and this order—to the U.S.
4 Marshal for service on the defendant; and
- 5 • **SEND to plaintiff** a USM-285 form.

6 IT IS FURTHER ORDERED that the plaintiff:

- 7 • Must furnish to the U.S. Marshal by September 9, 2019, a completed USM-285
8 form for the defendant with all relevant information provided so that the U.S.
9 Marshal may accomplish service on the defendant;
- 10 • Will have 20 days after receiving from the U.S. Marshal a copy of the USM-285
11 forms showing whether service has been accomplished to file a notice with the
12 court identifying whether the defendant was served. If the plaintiff wishes to
13 have service again attempted on an unserved defendant, he must file a motion
14 with the court specifying a more detailed name and/or address or whether some
15 other manner of service should be attempted. Rule 4(m) of the Federal Rules of
16 Civil Procedure requires service to be accomplished within 90 days;
- 17 • Must serve upon defendant or, if appearance has been entered by counsel, upon
18 the attorney for defendant, a copy of every pleading, motion or other document
19 submitted for consideration by the court. Plaintiff must include with the original
20 paper submitted for filing a certificate stating the date that a true and correct copy
21 of the document was mailed to the defendant or defense counsel. The court may
22 disregard any paper received by a district judge or magistrate judge which has
23

1 not been filed with the clerk, and any paper received by a district judge,
2 magistrate judge or the clerk that fails to include a certificate of service.

3 Dated: August 9, 2019

4 
5 U.S. District Judge Jennifer A. Dorsey